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House Bill _____
By _____

Senate No. SJR0184
By Gilbert

A RESOLUTION to urge the Congress and the President to enact legislation relative to solid waste management.

WHEREAS, every Tennessean is either directly or indirectly responsible for the production of significant amounts of municipal solid waste every year, and so the management of solid waste is one of the most important responsibilities entrusted to local governments in Tennessee; and

WHEREAS, the need to assist local governments in facing the challenges of solid waste planning and management led to the enactment of the Solid Waste Management Act of 1991; and

WHEREAS, the ability of local solid waste management regions to control the flow of waste and to exclude waste from outside the planning region were critical elements of the capacity assurance planning framework established by the Solid Waste Management Act of 1991; and

WHEREAS, states and communities should be responsible for disposal and management of their own wastes and they cannot take responsibility for their own wastes so long as they cannot stop the influx of unwanted out-of-state waste or use appropriate tools to manage the movement of waste; and

WHEREAS, the ability of Tennessee and other states to responsibly manage their own wastes has been frustrated by the decisions of the United States Supreme Court in Fort Gratiot Sanitary Landfill, Inc. v. Michigan Department of Natural Resources and C & A Carbone, Inc. v. Town of Clarkstown, which invalidated local controls on the movement of solid waste as violations of the Interstate Commerce Clause of the Constitution of the United States; and

WHEREAS, the Congress can act to authorize the states and local governments to make use of state and local controls on the movement of solid waste; and

WHEREAS, Tennessee and other states require legislative relief from Congress from these decisions which undermine the ability of states and local governments to manage their own solid waste; now, therefore,

BE IT RESOLVED BY THE SENATE OF THE NINETY-NINTH GENERAL ASSEMBLY OF THE STATE OF TENNESSEE, THE HOUSE OF REPRESENTATIVES CONCURRING, That this body strongly urges the Congress to pass and the President to sign legislation permitting states to control the importation of unwanted solid waste and permitting flow control as a waste management tool by state and local governments.

BE IT FURTHER RESOLVED, That an appropriate copy of this resolution be sent to the President of the United States, the Vice President, and to each member of the Tennessee Congressional delegation.